IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.4178 OF 2005

Smt.Yashoda Raghav Padubidri : Petitioner

V/s.

The Estate Manager (III),

MH.& A.D. Board & Anr. : Respondents

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Mr.S.A. Sawant for the petitioner.

Mr.M.H.Solkar, Asstt. Govt. Pleader, for the respondents.

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CORAM : S.A. BOBDE, J.

September 2, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Solkar, the learned Asstt. Govt. Pleader, waives service of rule on behalf of the respondents.

Heard by consent.

2. The petitioner has challenged the order by which the appellate authority refused to grant stay of the execution of the order directing the petitioner to vacate the suit flat. This order was made while upholding the order of the lower Court directing the petitioner to pay 50% of the

outstanding dues.

3. Mr.Solkar, the learned counsel for the petitioner, states that the entire purchase price of the flat has been paid on 18.7.2005. It is, therefore, submitted on behalf of the petitioner that the basic reason for evicting the petitioner doe snot survive. Mr.Solkar, the learned counsel for the respondents, is not in a position to dispute this statement. In the circumstances, there shall be a stay to the order dated 18.5.2005.

4. The impugned orders are hereby set aside. The petitioner shall be at liberty to make a representation to the respondents for waiver of interest which the respondents shall decide within a period of two months from the date of the representation.

5. The rule is made absolute in the aforesaid terms.

S.A. BOBDE, J.